

(5) Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears, when packed in other than a closed container, unless such pears do not vary more than  $\frac{3}{8}$  inch in their transverse diameter for counts 120 or less, and  $\frac{1}{4}$  inch for counts 135 to 165, inclusive: *Provided*, That 10 percent of the containers in any lot may fail to meet the requirements of this subparagraph: *Provided further*, That such varieties of pears shipped in bulk bin containers containing 300 pounds or more of pears shall be exempt from the requirements in this subparagraph.

(6) Any volume-filled box or container of Bartlett or Max-Red (Max-Red Bartlett, Red Bartlett) varieties of pears (not packed in rows and not wrap packed), other than consumer packages in master containers and consumer packages not in master containers, unless (i) such boxes or containers are well filled with pears fairly uniform in size; (ii) such pears are packed fairly tight; (iii) there is an approved top pad in each box or container that will cover the fruit with no more than  $\frac{1}{4}$  inch between the pad and any side or end of the box or container; and (iv) the top of the box or container shall be securely fastened to the bottom: *Provided*, That 10 percent of the boxes or containers in any lot may fail to meet the requirements of this paragraph.

(7) Each master container, when filled with pears packed in consumer packages, shall bear on one outside end in plain sight and plain letters the varietal name and size description of the contents; the number of consumer packages packed in the master container; the net weight of each consumer package; and the name and address, including zip code, of the handler.

(8) Each individual consumer package shall bear the name and address, including the zip code, of the handler and the net weight of the contents. When a consumer package is not shipped in a master container, it must also bear the varietal name, number and size description of pears contained in the package.

(b) *Definitions.* (1) *Size known commercially as size 165* means a size of pear that will pack a standard pear box, packed in accordance with the speci-

fications of standard pack, with 165 pears and that one-half of the count size designated, representative of the size of the pears in the box or container, shall weigh at least 22 pounds.

(2) *Standard pear box* means the container so designated in §1380.19 of the regulations of the California Department of Food and Agriculture.

(3) *U.S. No. 1, U.S. No. 2, U.S. Combination, and Standard Pack* mean the same as defined in the United States Standards for Summer and Fall Pears (7 CFR 51.1260 to 51.1280).

(4) *Approved top pad* shall mean a pad of wood-type excelsior construction, fairly uniform in thickness, weighing at least 160 pounds per 1,000 square feet (e.g., an 11 inch by 17 inch pad will weigh at least 21 pounds per 100 pads) or an equivalent made of material other than wood excelsior approved by the committee.

(5) *Organic pears* means pears which are produced, harvested, distributed, stored, processed and packaged without application of synthetically compounded fertilizers, pesticides, or growth regulators. In addition, no synthetically compounded fertilizers, pesticides, or growth regulators shall be applied by the grower to the field or area in which the pears are grown for 12 months prior to the appearance of flower buds and throughout the entire growing and harvest season for pears.

(6) *Consumer package* means a package holding 15 pounds or less net weight of pears.

[46 FR 48116, Oct. 1, 1981, as amended at 47 FR 34116, Aug. 6, 1982; 54 FR 32796, Aug. 10, 1989; 55 FR 25958, June 26, 1990; 56 FR 32063, July 15, 1991; 57 FR 31093, July 14, 1992]

EFFECTIVE DATE NOTE: At 59 FR 10056, Mar. 3, 1994, §917.461 was suspended, effective April 4, 1994.

## PART 918—FRESH PEACHES GROWN IN GEORGIA

### Subpart—Order Regulating Handling

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**AUTHORITY:** Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

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## § 918.10

EFFECTIVE DATE NOTE: At 60 FR 17634, Apr. 7, 1995, part 918 was suspended, effective March 1, 1995 through February 28, 1997.

### Subpart—Order Regulating Handling

SOURCE: 20 FR 1635, Mar. 18, 1955, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

#### DEFINITIONS

##### § 918.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

[42 FR 40884, Aug. 12, 1977]

##### § 918.2 Act.

*Act* means Public Act No. 10, 73d Congress (May 12, 1933), as amended and re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

##### § 918.3 Person.

*Person* means an individual, marketing agent, partnership, corporation, marketing agency, association, legal representative, or any organized group or business unit of individuals.

##### § 918.4 Area.

*Area* means and includes the entire State of Georgia.

##### § 918.5 Peaches.

*Peaches* means and includes all varieties of peaches grown within the aforesaid area.

##### § 918.6 Shipper.

*Shipper* is synonymous with “handler” and means any person who, as owner, agent, or otherwise, handles peaches.

##### § 918.7 Ship.

*Ship* is synonymous with “handle” and means to sell, transport, or in any other way (except as a common or contract carrier of peaches owned by an-

other person) to place peaches, in fresh form, in the current of commerce between the State of Georgia and any point outside thereof.

##### § 918.8 Grower.

*Grower* means any person engaged in the production of peaches for market; however, as used in § 918.62 “grower” shall also include any purchaser of a crop of peaches on the trees.

##### § 918.9 Fiscal period.

*Fiscal period* means the period beginning on March 1 of each year and ending on the last day of February of the following year.

##### § 918.10 District.

*District* means the applicable one of the following described geographical subdivisions or the area:

(a) *South Georgia District* shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grandy, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, Lowndes, Steward, Pulaski, Webster, Dodge, Sumter and Dooley;

(b) *Central Georgia District* shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Wilkinson, Taylor, Washington, Crawford, Emanuel, Peach, Jefferson, Burke, Effingham, Chattahoochee, Treutlen, Bibb, Jenkins, and Screven; and

(c) *North Georgia District* shall include the counties of Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Greene, Whitfield, Lincoln, Haralson, Paulding, Cobb, De Kalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chatooga,

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Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Towns, Haversham, Stephens, Rabun, Columbia, Bartow, Meriwether, Barrow, Heard, Madison, Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Taliaferro, and Murray.

[42 FR 40884, Aug. 12, 1977]

### § 918.11 Adjacent markets.

*Adjacent markets* means the States of Florida, Alabama, Tennessee, North Carolina, South Carolina, Mississippi, and that portion of Louisiana which is east of the Mississippi River.

### § 918.12 Peaches in bulk.

*Peaches in bulk* means peaches loose in a conveyance or loose in containers without being placed-packed or ring-faced and without liners.

## COMMITTEES

### § 918.15 Establishment of Industry Committee.

An Industry Committee, consisting of nine members, and alternates, is hereby established to administer the terms and provisions of this part. Eight members and alternates shall be growers of peaches and one member and alternate shall be individuals who are neither growers nor handlers of peaches. The 8 members who shall be growers shall be known as "grower members" and the remaining member shall be known as a "public member". The members of said Industry Committee and their respective alternates, shall be selected in accordance with the provisions of this part.

[42 FR 40884 Aug. 12, 1977]

### § 918.16 Representation by grower members by districts on Industry Committee.

(a) Two members of the Industry Committee shall be selected from among growers in the South Georgia District.

(b) Four members of the Industry Committee shall be selected from among growers in the Central Georgia District.

(c) Two members of the Industry Committee shall be selected from

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among growers in the North Georgia District.

[42 FR 40884, Aug. 12, 1977]

### § 918.17 [Reserved]

### § 918.18 Nomination of members of Industry Committee.

(a) The Industry Committee shall hold or cause to be held prior to January 31 of each year a meeting or meetings of growers in each of the districts designated in § 918.10, or as redesignated pursuant to § 918.29(k), for the purpose of designating nominees for grower member and alternate member positions on the Industry Committee. The Committee shall give adequate notice of any such meeting or meetings to all growers in the respective district.

(b) Members of the committee, selected pursuant to § 918.21, may nominate individuals for the public member and alternate member positions on the Industry Committee, and promptly send the names of these nominees, along with their qualifications, to the Secretary.

[42 FR 40884, Aug. 12, 1977]

### § 918.19 Conduct of nomination meetings.

At each meeting held to elect nominees for grower member and alternate grower member positions on the Industry Committee, the growers eligible to participate therein shall select a chairman and secretary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary or the designated representative of the Secretary. At each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district.

[42 FR 40885, Aug. 12, 1977]

**§ 918.20 Eligibility to vote at nomination meetings.**

Only growers in attendance at a meeting for election of nominees shall participate in the nomination of members and their alternates. In the event a grower is engaged in producing peaches in more than one district, such grower shall elect the district within which he shall participate in designating nominees. Each grower shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives for each position on the committee for which such voter is eligible to participate in designating a nominee at the respective meeting.

**§ 918.21 Selection of members of Industry Committee.**

The Secretary may select the members of the Industry Committee and their respective alternates, from nominations made by growers as provided in §§ 918.15 through 918.26 or the Secretary may select such members and alternates from among other persons.

[42 FR 40885, Aug. 12, 1977]

**§ 918.22 Vacancies.**

In the event nominations are not made for membership on the Industry Committee, pursuant to the provisions of §§ 918.15 through 918.26, by February 15 of the respective fiscal period, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Industry Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

[42 FR 40885, Aug. 12, 1977]

**§ 918.23 Qualification.**

Each person selected as a member of the Industry Committee or as an alternate member thereof shall promptly qualify by filing with the Secretary, or with the designated representative of

the Secretary, a written acceptance of appointment.

**§ 918.24 Alternate members of Industry Committee.**

There shall be an alternate member for each member of the Industry Committee. Each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual is to serve as alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

**§ 918.25 Eligibility for membership on Industry Committee.**

Any person nominated or selected to serve as a member or as an alternate member of the Industry Committee, except for the public member and alternate, shall be an individual grower of peaches in the respective district for which selected, or an officer, employee, or agent of a corporate grower or corporate growers in such district. The public member and alternate shall reside in Georgia, but neither person shall be grower or handler of peaches.

[42 FR 40884, Aug 12, 1977]

**§ 918.26 Term of office.**

The members of the Industry Committee and their respective alternates, shall serve for the fiscal period for which they have been selected and if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified: *Provided*, That no member shall serve more than six full consecutive terms starting with the term beginning March 1, 1989.

[42 FR 40884, Aug. 12, 1977, as amended at 55 FR 1381, Jan. 16, 1990]

**§ 918.27 Reimbursement for expense.**

Each member of the Industry Committee and each alternate member when acting for a member or when designated by the committee to attend, may be reimbursed for expenses incurred while attending committee meetings; while attending to committee business authorized by the committee; and while attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program pursuant to the act, with respect to the handling of peaches grown in Georgia or in any other State.

[42 FR 40885, Aug. 12, 1977]

**§ 918.28 Powers.**

The Industry Committee shall have the following powers:

- (a) To administer, as herein specifically provided the terms and provisions of this part;
- (b) To make, in accordance with the provisions contained in this part, administrative rules and regulations;
- (c) To receive, investigate, and report to the Secretary complaints of violation of the provisions in this part; and
- (d) To recommend to the Secretary amendments to this part.

**§ 918.29 Duties.**

The Industry Committee shall have the following duties:

- (a) To act as intermediary between the Secretary and any grower or handler;
- (b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary;
- (c) To furnish the Secretary such available information as may be requested by the Secretary;
- (d) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;
- (e) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and

to file with the Secretary a copy of each such audit report;

(f) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available, at the office of the committee, for inspection by any grower;

(g) To perform such duties in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the committee by the Secretary;

(h) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of peaches grown in the area or in any other State;

(i) To defend all legal proceedings against any Industry Committee member or members (individually or as members), or any officer or employee of such committee, arising out of any act or omission made in good faith pursuant to the provisions of this part;

(j) To select a chairman of the Industry Committee and such other officers as it may deem advisable;

(k) To redefine, subject to the approval of the Secretary, the districts into which the area has been divided in this subpart or change the representation, subject to the approval of the Secretary, from any district on the Industry Committee;

(l) To authorize, whenever the committee deems it advisable, an employee or employees of the committee to perform any ministerial duties of the committee, subject to the limitations set forth in this subpart: *Provided*, That such authorization by the committee shall specify the employee or employees and state definitely the limitation of the authority thus vested in the respective employee or employees: *Provided further*, That the committee shall retain concurrent authority in connection with any such duties and shall not authorize any employee or employees to perform: (1) Any duties of the committee relating to the recommendations to the Secretary pursuant to §§ 918.60 through 918.63; or (2) the duties

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or authority of the committee relating to the establishment of rules and regulations pursuant to the provisions and subject to the limitations set forth in this subpart;

(m) Each season, prior to making any recommendation to the Secretary for a regulation of shipments pursuant to this subpart to determine the marketing policy to be followed during the ensuing season and to submit a report of such policy to the Secretary as required by § 918.48;

(n) To supervise the regulation of shipments of peaches pursuant to this part;

(o) To establish such other committees or subcommittees to aid the Industry Committee in the performance of its duties under this part as the Industry Committee may deem advisable;

(p) To submit to the Secretary, prior to May 1 of each fiscal period, a budget of its expenses and a proposed rate of assessment for the then current fiscal period;

(q) To investigate and to assemble data with respect to the growing, harvesting, shipping, and marketing conditions relating to peaches.

[20 FR 1635, Mar. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 42 FR 40885, Aug. 12, 1977]

### § 918.30 Procedure.

(a) The Industry Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A quorum shall consist of five (5) members or alternate members then serving in the place and stead of any members. For any recommendation of the Industry Committee to be valid, not less than five (5) affirmative votes shall be necessary: *Provided*, That any recommendation on minimum size regulations also shall require at least one (1) concurring vote from each district.

(b) The Industry Committee may provide for the members thereof, including the alternates when acting as members, to vote by mail, telephone, typewriter, telegraph, or radiograph, and any such vote by telephone shall be confirmed promptly in writing: *Provided*, That if any assembled meeting of the committee is held, all votes shall be cast in person.

(c) The committee may adopt such rules, not inconsistent with the provisions of this subpart, relative to the method of conducting its business as it may deem advisable.

(d) The Industry Committee shall give to the Secretary or to the designated representative of the Secretary the same notice of its meetings as is given to the members thereof.

[20 FR 1635, Mar. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 55 FR 1381, Jan. 16, 1990]

### § 918.31 Funds.

All funds received by the Industry Committee pursuant to any provision of this part shall be used solely for purposes specified in this subpart and shall be accounted for in the following manner: (a) The Secretary may, at any time, require the committee and its members, including alternate members, to account for all receipts and disbursements; and (b) whenever any person ceases to be a member or alternate member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.

### EXPENSES AND ASSESSMENTS

### § 918.40 Expenses.

The Industry Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 918.41. For projects conducted pursuant to § 918.72, other funds approved by the Secretary may also be used.

[42 FR 40885, Aug. 12, 1977, as amended at 55 FR 1381, Jan. 16, 1990]

**§918.41 Assessments.**

Each handler who first ships peaches shall pay upon demand, to the Industry Committee, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to §918.71 or against peaches that are exempt from inspection pursuant to §918.64. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period.

[42 FR 40885, Aug. 12, 1977]

**§918.42 Rate of assessment.**

The Secretary shall specify the rate of assessment to be paid by such handlers.

**§918.43 Increase in rate of assessment.**

The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable peaches shipped during the specified fiscal period. In order to provide funds to enable the Industry Committee to perform its functions under this part, handlers may make advance payment of assessments.

**§918.44 Accounting.**

If at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve up to an amount of \$20,000. Such reserve funds may be used to cover any expenses authorized by this part and to cover necessary expenses of liquidation in the event of termination of this

part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

[42 FR 40885, Aug. 12, 1977]

**§918.45 Suit to enforce collection.**

The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

MARKETING POLICY

**§918.48 Must be submitted prior to recommendation.**

Before making any recommendation pursuant to §§918.60 through 918.63 for a particular marketing season, the Industry Committee shall submit to the Secretary a report setting forth the advisable marketing policy, for such season, for peaches. Such marketing policy report shall set forth the estimated regulation or regulations which may be recommended by the committee during such season, the justification therefor, and the estimates and other factors enumerated in §918.49. In the event the committee deems it advisable to alter such marketing policy, subsequent to submitting a report thereon to the Secretary, the committee shall submit to the Secretary a report setting forth such revised marketing policy.

**§918.49 Factors to be considered.**

In determining such marketing policy, or such revised marketing policy, the Industry Committee, after due consideration, shall include in the report its determinations and estimates of the following factors and conditions: (a) The estimated total quantity of each



variety of peaches available for shipment in each district during the season, including the estimated percentage of such quantity of each variety in each district which will be represented by each of the various grades and sizes; (b) the estimated date that peaches of each variety in each district will be mature and ready for shipment; (c) the estimated commercial crop of peaches produced in competing States and the expected time of shipments of peaches from such States; (d) the anticipated competition to peaches from other fruits and melons; (e) the estimated market prices and marketing conditions that are expected to prevail for peaches grown in the area; (f) the estimated harvesting and marketing costs and charges that are expected to apply to peaches grown in the area; (g) the level and trend in commodity prices and consumer purchasing power; and (h) other factors which the Industry Committee deems pertinent to the regulation of the marketing of peaches.

**§ 918.50 Notice shall be given.**

The Industry Committee shall promptly notify handlers and growers regarding any marketing policy report in such manner as may be reasonably expected to bring such schedules of proposed regulations, and such other information as the committee deems advisable, to the attention of all handlers and growers.

MATURITY REGULATIONS

**§ 918.54 Establishment.**

The Secretary shall issue an order whenever he determines that the initial Industry Committee provided for in this subpart is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to §§ 918.54 through 918.56 being and becoming effective at the time specified in said order. After the effective time specified in said order, issued pursuant to the provisions of this section, no handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U.S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may

be modified, revised, or new standards promulgated (§§ 51.1210 to 51.1223 of this title).

CROSS REFERENCE: See § 918.400 for modification of § 918.54.

**§ 918.55 Modification.**

The Industry Committee may recommend to the Secretary the modification of the maturity regulation provided in § 918.54 as to any or all varieties of peaches, and such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to modify such maturity regulation as to any or all varieties of peaches will tend to effectuate the declared policy of the act, he shall so modify such regulation. Such modification may include, but it is not necessarily limited to, a redefinition of the maturity, of any or all varieties of peaches, established pursuant to § 918.54 or the specification of a tolerance or tolerances for immature peaches. Such modification may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such modification.

**§ 918.56 Suspension.**

The Industry Committee may recommend to the Secretary the suspension of maturity regulation pursuant to §§ 918.54 and 918.55 and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to suspend such maturity regulation will tend to effectuate the declared policy of the act, he shall suspend the operation of such maturity regulation so as to permit the shipment of peaches, the shipment of which would otherwise be prohibited pursuant to §§ 918.54 through 918.56. Such suspension may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such suspension.

## REGULATION OF SHIPMENTS

**§ 918.60 By grades and sizes.**

(a) *Industry Committee recommendations.* Whenever the Industry Committee deems it advisable to limit the shipment of any variety or varieties of peaches, it shall recommend to the Secretary the grades or sizes, or both, thereof deemed advisable by it to be shipped during a specified period or periods; and any such recommendation may include a proposal that separate requirements be made applicable to shipments of any such variety or varieties of peaches to destinations in adjacent markets different from the proposed grade and size limitations applicable to shipments of the same variety to destinations other than in adjacent markets. At the time of submitting each such recommendation, the Industry Committee shall submit to the Secretary the supporting data and information upon which it acted in making such recommendation, and shall give consideration, among other things, to the factors required to be considered in connection with the marketing policy. The committee shall submit such other data and information as may be requested by the Secretary. The committee shall promptly give adequate notice to handlers and growers of each such recommendation submitted by it to the Secretary.

(b) *Establishment of grade and size regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee or from other available information, that to limit the shipment of any variety or varieties of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of peaches during a specified period or periods; and any such regulation may prescribe separate requirements for shipments of any such variety or varieties of peaches to destinations in adjacent markets different from the grade and size limitations applicable to shipments of the same variety to destinations other than in adjacent markets. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give ade-

quate notice thereof to handlers and growers.

(c) *Safeguards.* The Industry Committee may, with the approval of the Secretary, prescribe adequate safeguards to prevent peaches that are permitted to be shipped only to destinations in adjacent markets from being shipped to destinations other than in adjacent markets.

**§ 918.61 By minimum standards of quality and maturity.**

(a) *Industry Committee recommendation.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of peaches, it shall recommend to the Secretary the particular minimum standards which shipments of peaches must meet. Each such recommendation of the committee shall be in terms of (1) maturity; (2) minimum standards of quality, including but not being limited to, freedom from damage by worms and worm holes and freedom from decay, or (3) any combination or combinations of the foregoing. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(b) *Establishment of minimum standards of quality and maturity.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for peaches and to limit the shipment of peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, and so limit the shipment of peaches during a specified period or periods. The Secretary shall immediately notify the Industry Committee of the minimum standards so established.

**§918.61a Container regulation.**

Whenever the Industry Committee deems it advisable to establish a container regulation for any variety or varieties of peaches, it shall recommend to the Secretary the size, capacity, weight, marking, or pack of the container, or containers, which may be used in the handling of these peaches. If the Secretary finds upon the basis of such recommendation or other information available that such container regulation would tend to effectuate the declared policy of the Act the Secretary shall establish such regulation. Notice thereof shall be sent by the Industry Committee to all handlers of record.

[55 FR 1381, Jan. 16, 1990]

**§918.62 Exemption certificates.**

In the event peaches are regulated pursuant to §918.60 or §918.61, the committee shall issue one or more exemption certificates to any grower who furnishes evidence satisfactory to the Industry Committee that, by virtue of conditions beyond his control, he will be prevented by reason of such regulation from having as large a proportion of a particular variety of his peaches shipped to adjacent markets or to other markets, respectively, as the average proportion of all such peaches which may be so shipped by all growers in the area. Such exemption certificate shall permit the respective grower to whom the certificate is issued to ship, or have shipped, a percentage of his crop of such variety of peaches equal to the percentage determined as aforesaid. The Industry Committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to growers. Such exemption certificates may be transferred to handlers when accompanied by peaches covered by such certificates.

**§918.63 Modification, suspension, or termination.**

Whenever the Industry Committee deems it advisable to recommend the modification, suspension, or termination of any or all of the regulations established pursuant to §§918.60 and 918.61a, it shall so recommend to the

Secretary. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give notice to handlers and growers, of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

[20 FR 1635, Mar. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 55 FR 1381, Jan. 16, 1990]

## INSPECTION AND CERTIFICATION

**§918.64 Inspection.**

(a) During any period in which the shipment of peaches is regulated pursuant to the provisions of this part, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary, unless such regulation provides that this requirement shall not be applicable to any shipment of peaches in bulk to the adjacent markets: *Provided*, That this requirement shall not be applicable to any shipment of peaches which has been so inspected or which is exempt pursuant to §918.71. Each handler shall, promptly after making each shipment of peaches, submit to the Industry Committee a copy of the inspection certificate or memorandum issued with respect to such shipment of peaches; and such certificate or memorandum shall state the maturity of the peaches in such shipment and in the event of grade regulation such certificate or memorandum shall also state the grade or grades of peaches in such shipment, and in the

event of size regulation such certificate or memorandum shall also state the size or sizes of peaches in such shipment, and in the event separate requirements are in effect for shipments of peaches to destinations in adjacent markets such certificate or memorandum shall also state the composition of such shipment in terms of such requirements, and in the event of regulation by minimum standards of quality or maturity, or both, such certificate or memorandum shall also state the composition of such shipment in terms of such minimum standards. The aforesaid certificate or memorandum shall also state whether the peaches in such shipment meet the then effective requirements applicable to such shipment.

(b) The Industry Committee may establish with the approval of the Secretary positive lot identification requirements for lots of peaches inspected and certified pursuant to this section. Whenever implemented, such requirements shall at least specify that upon inspection, all peaches shall be identified by tags, stamps, marks, or other means of identification recognized by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary; that such identification shall be affixed to the container by the handler under the supervision of the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary; and that such identification shall not be altered or removed except as directed by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary. For the purposes of this section, lot means the aggregate quantity of peaches of the same variety, in like containers with like identification offered for inspection as a shipping unit.

[20 FR 1635, Mar. 18, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 55 FR 1381, Jan. 16, 1990]

**§ 918.70 Compliance of handlers.**

Except as provided in § 918.71, no handler shall ship peaches, the shipment of

which has been prohibited in accordance with this part; and no handler shall ship peaches except in conformity to the provisions of this part and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions of this subpart.

PEACHES NOT SUBJECT TO REGULATION

**§ 918.71 Peaches not subject to regulation.**

Peaches shipped for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency or distribution by non-profit school lunch agencies or peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale or peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments do not aggregate more than the equivalent of five (5) bushels shall be exempt from the provisions of this part. The Secretary may prescribe, on the basis of the recommendation and the information submitted by the Industry Committee, or on the basis of any other available information, adequate safeguards to prevent such peaches from entering the commercial channels of trade for consumption in fresh form.

RESEARCH AND DEVELOPMENT

**§ 918.72 Production research and market research and development.**

The Industry Committee, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research and marketing research and development designed to assist, improve or promote the marketing, distribution and consumption of peaches and the efficient production thereof. The expenses of such projects shall be paid from funds collected pursuant to § 918.41, or from any other sources approved by the Secretary.

[55 FR 1381, Jan. 16, 1990]

## REPORTS

**§ 918.75 Reports.**

For the purpose of enabling the Industry Committee to perform its functions and duties pursuant to the provisions of this part, each handler shall furnish to the committee such information, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, as may thus be requested by the committee with regard to each shipment of peaches.

**§ 918.76 Confidential information.**

All data or other information constituting a trade secret or disclosing a trade position or business condition shall be received by, and kept in the custody of, one or more designated employees of the Industry Committee, and information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

[55 FR 1382, Jan. 16, 1990]

**§ 918.77 Verification of reports and records.**

For the purpose of checking compliance with recordkeeping requirements and verifying reports filed by handlers, the Secretary and the Industry Committee through its duly authorized employees shall have access to any premises where peaches are held and, at any time during reasonable business hours, shall be permitted to examine any peaches held and any and all records with respect to matters within the purview of this part. Handlers shall furnish labor necessary to facilitate such examinations at no expense to the Industry Committee. All handlers shall maintain complete records which accurately show the quantity of peaches held, sold, and shipped. The Industry Committee, with the approval of the Secretary, may establish the type of records to be maintained. Such records shall be retained by handlers for not less than two years subsequent to the termination of each fiscal period.

[55 FR 1382, Jan. 16, 1990]

## EFFECTIVE TIME AND TERMINATION

**§ 918.80 Effective time.**

The provisions of this subpart shall become effective April 27, 1942, and shall continue in force until terminated in one of the ways specified in § 918.81.

**§ 918.81 Termination.**

(a) The Secretary shall terminate or suspend the operation of this part or any provision thereof whenever he finds that the part or any provision thereof does not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by the majority of the growers: *Provided*, That such majority has, during the current marketing season, produced more than 50 percent of the peaches which were produced for market within the area. Such termination shall become effective on the last day of February following the announcement thereby by the Secretary.

(c) The Secretary shall conduct a referendum among growers to ascertain whether continuance of this part is favored by growers, when requested to do so by the committee, or upon the request of 6 or more growers who produced 10 percent or more of the inspected peaches shipped during the then current fiscal period: *Provided*, That such request is received prior to December 1.

(d) The Secretary shall conduct a referendum among growers every six years after the effective date of this amended subpart to ascertain whether continuance of this part is favored by growers. However, when a continuance referendum is conducted pursuant to paragraph (c) of this section, this referendum shall be conducted six years after the referendum conducted pursuant to paragraph (c) of this section. The Secretary may terminate the provisions of this part at the end of any fiscal period in which the Secretary has found that continuance of this part is not favored by growers who, during a representative period determined by the Secretary, have been engaged in the production for market of the fruit

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in the production area, except that termination of this part shall be effective only if announced on or before the last day of the then current fiscal period.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

[42 FR 40885, Aug. 12, 1977, as amended at 55 FR 1382, Jan. 16, 1990; 55 FR 7289, Mar. 1, 1990]

### § 918.82 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the then functioning members of the Industry Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Industry Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this part.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the Industry Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.

(d) Any funds collected for expenses pursuant to the provisions of this part and held by such trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily

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by the trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination of this subpart, be returned to the handlers pro rata in proportion to their contributions made pursuant to § 918.41.

### MISCELLANEOUS PROVISIONS

#### § 918.85 Right of the Secretary.

The members of the Industry Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision or other act of each committee provided for in this part shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act, and upon such disapproval, at any time, such action by a committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

#### § 918.86 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination hereof, except with respect to acts done under and during the existence of this subpart.

#### § 918.87 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this part.

#### § 918.88 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

**§ 918.89 Personal liability.**

No member or alternate of said Industry Committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

**§ 918.90 Separability.**

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

**§ 918.91 Amendments.**

Amendments to this subpart may be proposed, from time to time, by the Industry Committee or by the Secretary.

**§ 918.92 Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary or of any other person with respect to any such violation.

### Subpart—Industry Committee Regulations

SOURCE: 16 FR 3402, Apr. 19, 1951, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

## DEFINITIONS

**§ 918.100 Terms.**

Terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§ 918.1 to 918.92).

**§ 918.101 Order.**

*Order* means Order No. 918, as amended (§§ 918.1 to 918.92), regulating the handling of fresh peaches grown in the State of Georgia.

**§ 918.102 Marketing agreement.**

*Marketing agreement* means Marketing Agreement No. 99, as amended, regulating the handling of fresh peaches grown in the State of Georgia.

**§ 918.103 Adjacent market peaches.**

*Adjacent market peaches* means peaches which, in accordance with a regulation issued pursuant to § 918.60(b), are permitted to be shipped only to destinations in adjacent markets.

## COMMUNICATIONS AND NOTICES

**§ 918.105 Communications.**

Unless otherwise provided in the marketing agreement and order or by specific direction of the Industry Committee, all communications (including, but not being limited to, reports, applications, submittals, and requests) in connection with the marketing agreement and order shall be addressed to Industry Committee, P.O. Box 1239, Macon, Georgia.

**§ 918.106 Notices.**

The following newspapers are designated for the giving of notice as required by the marketing agreement and order §§ 918.1 to 918.92:

Atlanta Journal, Atlanta, Ga.  
Macon Telegraph, Macon, Ga.

[19 FR 3644, June 19, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

## ADMINISTRATIVE BODY

**§ 918.112 Qualification requirements and nomination procedure for public members of the Industry Committee.**

(a) Public members shall not have a financial interest in or be associated with the production, processing, financing, or marketing (except as consumers) of Georgia peaches.

(b) Public members should be able to devote sufficient time and express a willingness to attend committee activities regularly, and become familiar

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with the background and economics of the industry.

(c) Public members must be residents of Georgia.

(d) Public members should be nominated by the committee prior to December 31 of each year, and should serve a 1-year term which coincides with the term of office of other members of the committee

[43 FR 47486, Oct. 16, 1978]

#### **§ 918.116 Redefinition of peach districts and reapportionment of grower members.**

Pursuant to § 918.29(k) the districts and memberships allotted for each district shall be as follows:

(a) *South Georgia District* shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grady, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, Lowndes, Steward, Pulaski, Webster, Dodge, Sumter and Dooly. This district shall have two members and alternates.

(b) *North Georgia District* shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Wilkinson, Taylor, Washington, Crawford, Emanuel, Peach, Jefferson, Burke, Effingham, Chattahoochee, Treutlen, Bibb, Jenkins, Screven, Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Greene, Whitfield, Lincoln, Haralson, Paulding, Cobb, De Kalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chattooga, Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Townes, Haversham, Stephens, Rabun, Columbia, Bartow, Meriwether, Barrow, Heard, Madison,

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Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Taliaferro and Murray. This district shall have six members and alternates.

[55 FR 34217, Aug. 22, 1990]

#### REGULATION OF SHIPMENTS

#### **§ 918.120 Adjacent market peaches, shipments of.**

During each period when a grade or size regulation is in effect pursuant to § 918.60(b) and prescribes separate requirements for shipments of adjacent market peaches, such shipments may be effected only if the adjacent market peaches are shipped in bulk (i.e., loose in the body of a truck, trailer, or other conveyance, or loose in containers, without being place-packed or ring-faced, and without liners or cushions).

#### **§ 918.121 Exemption certificates.**

(a) *Application.* Each application pursuant to § 918.62 (*Exemption certificates*) for an exemption certificate to ship peaches of a particular variety shall be submitted to the Industry Committee on form "Grower Application for Exemption Certificate." Such form may be obtained from the Industry Committee; and the completed application shall contain the following information:

(1) Name and address of the applicant; and date;

(2) Variety of peaches for which exemption is requested;

(3) District in which the orchard where such peaches are grown is located;

(4) Location (by county highway, rural route, distance from nearest town, etc.) of each of applicant's orchards of such variety in such district;

(5) Number and age of trees of the stated variety;

(6) Regulations from which exemption is requested;

(7) Estimated current crop (both harvested and unharvested) of such variety of peaches in such detail as required by the form of application for an exemption certificate;

(8) Estimated percentage of the aforesaid crop not meeting the requirements of the grade regulation then in effect and the reasons therefor;



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(9) Estimated percentage of the aforesaid crop not meeting the minimum size requirements of the size regulation then in effect and the reasons therefor; and

(10) The aggregate number of bushels of the aforesaid crop which the applicant already (i) has shipped, and (ii) has had shipped for him.

(b) *Issuance of exemption certificate; non-issuance.* In the event the Industry Committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall permit the applicant to ship or have shipped the requisite quantity, as provided in § 918.62, of the particular variety of peaches. If the committee finds and determines that the applicant is not entitled to an exemption certificate, it shall so advise the applicant in writing, and give the reasons therefor.

(c) *Shipments pursuant to an exemption certificate.* Each grower who ships, or has shipped, any portion of his crop of such variety pursuant to an exemption certificate shall report the respective shipment promptly to the Industry Committee.

### § 918.122 Shipments by truck.

Each handler who ships peaches in a truck during any period in which a regulation is in effect pursuant to § 918.54, § 918.55, § 918.60, or § 918.61 shall keep and maintain in the truck, until the shipment has been completed, a copy of the certificate or memorandum issued by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary, as the case may be, with regard to the respective shipment of peaches: *Provided*, That this requirement shall not apply to shipments of peaches in bulk to adjacent markets during periods when such shipments are exempt from inspection. Each such handler shall upon demand by an authorized agent or employee of the Industry Committee or any authorized agent or employee of the United States Department of Agriculture, make such copy of the certificate or memorandum

available for examination by such agent or employee.

[19 FR 3644, June 19, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

### REPORTS AND SAFEGUARDS

### § 918.130 Peaches shipped to adjacent markets.

Each handler who ships, in closed containers, adjacent market peaches which do not meet the current regulations for nonadjacent markets issued pursuant to § 918.60(b) shall stamp or print on the ends or sides of such containers in letters not less than one-half inch in height "For Sale In Adjacent Markets Only", along with the handler's name and address; and have such fruit so shipped inspected as provided in § 918.64.

[44 FR 25403, May 1, 1979]

### § 918.131 Peaches not subject to regulation.

Each handler who ships peaches (except peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments do not aggregate more than the equivalent of five (5) bushels) pursuant to § 918.71 shall report promptly to the Industry Committee, on forms provided by that committee, the following information with respect to each such shipment:

- (a) Name and address of the handler; date;
- (b) Shipping point;
- (c) Name and address of consignee; destination;
- (d) Truck license number, trailer license number, car initials and number; or other identification of the conveyance in which shipment was made;
- (e) Signature of truck driver;
- (f) Number and kind of containers;
- (g) Total net weight of, or total number of bushels in, the shipment;
- (h) Purpose for which shipped; and
- (i) A certification that the information is complete and accurate.

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .327 through .399) which are in effect for a year or less, will not be carried in the Code

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of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the "List of CFR Sections Affected" in the Finding Aids section of this volume.

**§918.325 Peach Regulation 3.**

(a) On and after June 8, 1987, no handler shall ship peaches unless such peaches are mature as provided in §918.400, contain no more than one percent decay, and are not smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any lot, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter: *Provided*, That peaches shipped to adjacent markets in bulk are exempt from such maturity, decay, and size requirements, and the inspection requirements in §918.64 shall not apply.

(b) *Diameter*, as used in this section, means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

[52 FR 21496, June 8, 1987]

**Subpart—Maturity Regulations**

**§918.400 Maturity regulations.**

(a) Unless otherwise indicated, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§918.1 to 918.92).

(b) The regulatory provisions in §918.54 are modified as follows: No handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U.S. Standards for Peaches (§§51.1210 to 51.1223 of this title) or as such standards may be modified, revised, or new standards promulgated: *Provided*, That not more than an average of 10 percent, by count, of the peaches contained in any bulk lot or in any lot of packages may fail to meet the said requirements for maturity, but not more than 15 percent, by count, of the peaches contained in any individual package in any lot may fail to meet the said requirements for maturity.

[16 FR 3403, Apr. 19, 1951. Redesignated at 26 FR 12751, Dec. 30, 1961]

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**PART 920—KIWIFRUIT GROWN IN CALIFORNIA**

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MISCELLANEOUS PROVISIONS

920.61	Compliance.
920.62	Right of the Secretary.
920.63	Termination.
920.64	Proceeding after termination.
920.65	Effect of termination or amendment.
920.66	Duration of immunities.
920.67	Agents.
920.68	Derogation.
920.69	Personal liability.
920.70	Separability.
920.110	Exemptions.